

COTTENHAM PARISH COUNCIL

AGENDA REPORTS PACK

STANDARDS COMMITTEE

27TH JANUARY 2015

15S/005. Follow up from Cllr training

To consider lessons learned from the Councillor training sessions and any perceived need for follow-up training or mentoring

Session by session run through of the syllabus, identifying areas for further training:

- Session I
 - The Code of Conduct
 - The role of the Standards Committee & Standards Board
 - Register of Interest & Acceptance of Office
 - Meeting procedures
- Session II
 - Statutory Powers
 - Budget & Precept
 - Financial Regulations
 - Accounts & Audit
- Session III
 - Planning
 - Risk Management

15S/006. Review the Code of Conduct

To consider Councillor behaviour in and out of formal meetings, including use of email and any effect on our Code of Conduct

Section by section review for completeness and relevance.

Cottenham Parish Council Code of Conduct for Members

Introduction

Cottenham Parish Council (the Authority) has adopted this Code of Conduct pursuant to Section 27 of the Localism Act 2011 to promote and maintain high standards of behaviour by its members and co-opted members whenever they are acting in their capacity as a member of the Authority or when they claim to act or give the impression of acting as a representative of the Authority.

This Code is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership (“the Nolan Principles”).

1 Application

This Code of Conduct applies to you whenever you are acting, claim to act or give the impression you are acting in your capacity as a Member of the Authority, including:–

- 1.1 at formal Meetings of the Authority
- 1.2 when acting as a representative of the Authority
- 1.3 when corresponding with the authority other than in a private capacity

2 Meeting

In this Code “Meeting” means any meeting organised by or on behalf of the Authority, including :–

- 2.1 any meeting of the Council, or a Committee or Sub-Committee of Council
- 2.2 at any site visit to do with the business of the Authority

3 General Conduct

You must –

- 3.1 provide leadership to the authority and the community within its area, by personal example and
- 3.2 respect others and not bully or threaten or attempt to bully or threaten any person
- 3.3 respect the confidentiality of information which you receive as a Member by–
 - 3.3.1 not disclosing confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so; and
 - 3.3.2 not obstructing third parties’ legal rights of access to information
- 3.4 not conduct yourself in a manner which is likely to bring the Authority into disrepute
- 3.5 use your position as a Member in the public interest and not for personal advantage
- 3.6 comply with the Authority’s reasonable rules on the use of public resources for private and political purposes
- 3.7 exercise your own independent judgement, taking decisions for good and substantial reasons by –
 - 3.7.1 attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups

- 3.7.2 paying due regard to the advice of Officers
- 3.7.3 stating the reasons for your decisions where those reasons are not otherwise apparent
- 3.8 do nothing that causes the Authority to act unlawfully.

4 Disclosable Pecuniary Interests

- 4.1 You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State (as set out in the Appendix) and either:
 - (a) it is an interest of yours, or
 - (b) it is an interest of:
 - (i) your spouse or civil partner; or
 - (ii) a person with whom you are living as husband and wife; or
 - (iii) a person with whom you are living as if you were civil partners;and you are aware that other person has the interest.
- 4.2 You must -
 - 4.2.1 comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest
 - 4.2.2 ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests
 - 4.2.3 make a verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent
 - 4.2.4 Where you have a disclosable pecuniary interest, whether the interest is registered or not, you must not (unless you have obtained a dispensation from the Authority's Monitoring Officer) –
 - (i) participate, or participate further, in any discussion of the matter at the meeting; or
 - (ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting.

5 Other Interests

- 5.1 In addition to the requirements of Paragraph 4, if you attend a meeting at which any item of business is to be considered and you are aware that you have a “non-disclosable pecuniary interest or non-pecuniary interest” in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent
- 5.2 You have a “non-disclosable pecuniary interest or non-pecuniary interest” in an item of business of your authority where –
 - 5.2.1 a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council

Tax payers, ratepayers or inhabitants of the parish area for which you have been elected or otherwise of the authority's administrative area, or

5.2.2 it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code, but in respect of a member of your family (other than a "relevant person") or a person with whom you have a close association

and that interest is not a disclosable pecuniary interest.

6 Gifts and Hospitality

- 6.1 You must, within 28 days of receipt, notify the Parish Clerk in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a Member from any person or body other than the authority.
- 6.2 The Parish Clerk will place your notification on a public register of gifts and hospitality.

Appendix

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class

in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose –

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

15S/007. Review the Complaints procedure

To consider its fitness for purpose and suggest independent members for possible inclusion on a Code of Conduct panel

1 Section by section review of completeness and relevance for complaints against:

- the Council and
- any Councillor

2 Consider possible independent panel members (for recommendation to Council at next AGM?)

From our Terms of Reference:

1f) When required, the Standards Committee will nominate additional Councillors to form the necessary 5-strong Complaints Committee to investigate complaints about actions by the Parish Council

1g) When required, the Standards Committee will co-opt two non-Councillor residents to form a Code of Conduct Committee to investigate complaints about actions by any Parish Councillor

Our current adopted Complaints Handling procedure focuses on complaints about the Council's administrative and procedural issues in line with ToR 1f above, but does not address complaints against a Councillor as required by ToR 1g.

The NALC model text explicitly excludes handling of complaints against Councillors.

One solution is to extend (as Histon & Impington PC have done) the NALC text to include Code of Conduct complaints by removing clause 2 (the exclusion) and adding the following clauses:

"13. Complaints about the conduct of a Member of the Parish Council should be made in writing to the Clerk of the Council (or the Chair of Council if the complainant prefers not to put the complaint to the Clerk to the Council) at the Parish Office, Right Side Entrance, Community Office, 250a High Street, Cottenham, Cambridge CB24 8XZ or by email to clerk@cottenhampc.org.uk

14. Upon receipt of a written complaint the Clerk will notify the Standards Committee, a member from which will advise the complainant that the councillor(s) against whom the complaint(s) is made will be given 5 working days to offer a response and that response will be copied to the complainant within 24 hours of such receipt

15. The complainant will be given 48 hours to consider the response after which time the Standards Committee member will ask whether the complainant is satisfied or whether further action is required.

EITHER

16a. If the matter cannot be resolved locally the complaint, in writing, will be forwarded to the Monitoring Officer at the District Council (monitoring.offiicer@scambs.gov.uk)

OR

16a. If the matter cannot be resolved in this way the complaint, in writing, should be put to CPC's Code of Conduct Committee."

Cottenham Parish Council

NALC Model Complaint handling procedure

1. The following procedure will be adopted for dealing with complaints about the Council's administration or its procedures. Complaints about a policy decision made by the Council will be referred back to the Council, or relevant Committee, as appropriate, for consideration.
2. This procedure does not cover complaints about the conduct of a Member of the Parish Council.
3. If a complaint about procedures, administration or the actions of any of the Council's employees is notified orally to a Councillor, or to the Clerk to the Council, a written record of the complaint will be made, noting the name and contact details of the complainant and the nature of the complaint.
4. The complainant will be asked to put the complaint in writing (letter/e-mail/standard form) to the Clerk to the Council at Right Side Entrance, Community Centre, 250a High Street, Cottenham, Cambridge CB24 8XZ. The complaint will be dealt with within 21 days of receipt. Refusal to put the complaint in writing does not necessarily mean that the complaint cannot be investigated, but it is easier to deal with if it is in writing.
5. If the complainant prefers not to put the complaint to the Clerk to the Council (because the matter relates to the Clerk, for example,) he or she should be advised to write to the Chair.
6. On receipt of a written complaint, the Clerk to the Council (except where the complainant is about his or her own actions) or Chair of Council (if the complaint relates to the Clerk), will seek to settle the complaint directly with the complainant. This will not be done without first notifying any person complained about and giving him or her an opportunity to comment. Efforts should be made to resolve the complaint at this stage.
 - (a) Where the Clerk to the Council or a Councillor receives a written complaint about the Clerk's actions, he or she shall refer the complaint to the Chair of Council. The Clerk to the Council will be formally advised of the matter and given an opportunity to comment.
7. The Clerk to the Council (or Chair) will report any complaint disposed of by direct action with the complainant to the next meeting of the Council.
8. The Clerk to the Council (or Chair) will report any complaint that has not been resolved to the next meeting of the Council. The Clerk will notify the complainant of the date on which the complaint will be considered and the complainant will be offered an opportunity to explain the complaint to the Council orally.
9. Matters relating to Grievance or Disciplinary proceedings that are taking, or are likely to take place, should be dealt with in accordance with the Council's grievance and disciplinary procedures.
10. The Council may consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the press and public, but any decision on the complaint will be announced at the Council meeting in public.
11. The Council may consider in the circumstances of any particular complaint whether to make any without liability payment or provide other reasonable benefit to any person who has suffered loss as a result of the Council's maladministration. Any payment may only be authorised by the Council after obtaining legal advice and advice from the Council's auditor on the propriety of such a payment.
12. As soon as possible after the decision has been made (and in any event not later than 10 days after the meeting) the complainant will be notified in writing of the decision and any action to be taken.
13. The Council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. The advice will be considered and the complaint dealt with at the next meeting after the advice has been received.

Cottenham Parish Council

Complaint handling procedure

Cottenham Parish Council (CPC) has adopted the recommended Code of Practice for handling of complaints and will implement same as under.

1. In the event of a complaint about an employee (ie. the Parish Clerk) such will be handled, internally, as an employment matter. The complainant shall refer to the Parish Chair with assurance that the complaint will be dealt with and that he/she will be advised of the action taken.

2. As neither the Local Government Ombudsman nor the primary local authority has any jurisdiction over the CPC the following steps are to be applied to complaints about the CPC over administrative or procedural matters.

i. The complainant is asked to write to the Parish Clerk at the following address: Parish Office, Right Side Entrance, Community Centre, 250a High Street, Cottenham, Cambridge CB24 8RZ.

ii. The Clerk will refer the complaint to the Complaints Committee (comprising five councillors inclusive of the Chair who is Vice Chair of the CPC) and subsequently respond to the complainant within seven working days.

iii. If the authorised response of the Clerk fails to satisfy the complainant, who will advise as such in writing, then the complainant will be invited to attend a meeting of the committee on the understanding that any documentation of other evidence on which the complainant may rely has been copied to and received by the Clerk seven working days prior to the meeting date. The complainant may be accompanied by whomsoever he/she wishes but such person may only attend as an observer and whilst their presence will be acknowledged they must take no part in the proceedings.

iv. The meeting with the complainant will be held in private at which time:

- The Chair will introduce everyone
- The Chair will then state the nature of the complaint and thereafter ensure that the hearing adheres to the following:
 - a) The Complainant will detail the grounds for complaint and the action he/she would expect to resolve the complaint.
 - b) The Committee members will then be given time to ask questions of the Complainant.
 - c) The Parish Clerk or other nominee (the CPC nominee) will explain the CPC position.
 - d) The Committee will then have time to question the CPC nominee.
 - e) The CPC nominee and then the Claimant (that order) will be given an opportunity to make a final address to the Committee.
 - f) The CPC nominee and the Claimant will be asked to leave the room whilst the Committee decides whether or not the grounds for complaint have been made. (In the event that any point is in need of clarification then both parties will be invited back in).
 - g) The CPC nominee and the Complainant will return to hear the decision or be told when the decision will be made.

v. The decision will be confirmed in writing, and with details of any action to be taken, within seven working days of the decision date. Furthermore such decision shall be announced, and explained at the next council meeting and in the presence of any members of the public or press.

Dated August 2012

15S/008. Scrutiny Mechanisms

To consider Council's scrutiny mechanisms, especially in light of proposed further financial delegation to Committees

Committees and Working Groups have some delegated authority to act, make decisions or representations and take on certain financial commitments.

- Working Groups report back regularly to the Committee or Council, whichever appointed them, and summaries are reported in those public agenda packs and minutes.
- Committees record their activities in their public meeting minutes and resultant invoices are presented for approval by Council so cheques etc can be properly signed.

Is this enough?

15S/009. Terms of Reference

To consider Standards Committee Terms of Reference, especially membership and quorum

We recently discovered that our previous interpretation of "ex-officio" is incorrect. Ex-officio members are not a separate class of members; they have all the same rights as a member. The "ex-officio" exception is that the normal requirement that they assume the Chair at any meeting they attend is waived.

A proposed correction is to amend Term of Reference 1a from:

FROM 1a) Membership is 3 members of the Parish Council + Ex Officio

TO 1a) Membership is 5 members of the Parish Council including Chair and Vice Chair "ex-officio".

With a quorum of 3 and membership of 5; is this enough?